

*** NOT FOR PUBLICATION ***

NO. 26032

IN THE SUPREME COURT OF THE STATE OF HAWAII

KA WAIHONA O KA NA'AUAO, Ho'opio DeCambra, Poka Laenui, Jeanette Ka'uluwehi, Kenneth Ka'uluwehi, Stella Pihana-Young, Dixie Padello, Mona Bernardino, Ku'ulei Weathington, and Leimana Kahikina, individually and as members of the board of directors of Ka Waihona O Ka Na'auao, Cherienne Akau, and Kim Ha'upu individually and as members-elect to the board of directors of Ka Waihona O Ka Na'auao, Mauna'ala Burgess, Carl 'Imiola Young, Jody Pihana, Puanani Burgess, Judy Oponui, Will Joseph Weathington, and Cameron-Joseph Auhoon, Plaintiffs-Appellants

vs.

STATE OF HAWAII BOARD OF EDUCATION, through its Chairman Herbert Watanabe, STATE OF HAWAII DEPARTMENT OF EDUCATION, through its Superintendent of Education, Patricia Hamamoto, Alvin Parker, Glenn Philhower, Chrissy Pililaau, Fran Villareal, Wayne Hiraakawa, Opu Seminavage, Zana Hughes and Bill Sutkus, Defendants-Appellees
(CIV. NO. 03-1-0800)

KA WAIHONA O KA NA'AUAO, a 21st Century Charter School; Ho'opio DeCambra, Poka Laenui, Jeanette Ka'uluwehi, Kenneth Ka'uluwehi, Stella Pihana-Young, Dixie Padello, Mona Bernardino, Ku'ulei Weathington, and Leimana Kahikina, individually and as members of the local school board of Ka Waihona O Ka Na'auao, a 21st Century Charter School; Cherienne Akau, and Kim Ha'upu individually and as members-elect to the local school board of Ka Waihona O Ka Na'auao, a 21st Century Charter School; Mauna'ala Burgess, Carl 'Imiola Young, Jody Pihana, Puanani Burgess, Judy Oponui, Will Joseph Weathington, and Cameron-Joseph Auhoon, Plaintiffs-Appellants

vs.

Alvin Parker, Glenn Philhower, Chrissy Pililaau, Frances Villareal, Wayne Hiraakawa, Opu Seminavage, Zana Hughes and Bill Sutkus, Defendants-Appellees

and

JOHN DOES and JANE DOES 1-50; DOE PARTNERSHIPS 1-50, DOE CORPORATIONS 1-50; and DOE ENTITIES 1-50, Defendants
(CIV. NO. 03-1-1137)

APPEAL FROM THE FIRST CIRCUIT COURT

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's July 23, 2003 order granting summary judgment in favor of the defendants on the claims asserted in Civil No. 03-1-0800 and Civil No. 03-1-1137 has not been reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

Dated: Honolulu, Hawai'i, December 12, 2003.